

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Antonio Crawford #326526,)	Civil Action No. 8:15-1362-MGL-JDA
)	
Plaintiff,)	
)	
v.)	DEFENDANTS HUNT AND
)	BITTINGER'S MEMORANDUM IN
)	OPPOSITION TO PLAINTIFF'S
Chris Hunt, E. Bittinger, DHO Officer,)	MOTION FOR APPOINTMENT OF
Tony Smith "Captain," Tracy Simms)	COUNSEL
"Contraband Officer," and Sgt. David)	
Craig, <i>In their individual or personal</i>)	
<i>capacities,</i>)	
)	
Defendants.)	

Defendants Christopher Hunt and Edward Bittinger¹, by and through their undersigned counsel, hereby submit their Memorandum in Opposition to Plaintiff's Motion for Appointment of Counsel filed on June 18, 2015 (Docket Entry #46).

Plaintiff Antonio Crawford SCDC #326526 filed this action pursuant to 42 U.S.C. §1983 in which he alleges that his constitutional rights were violated by Defendants. The Plaintiff claims that he was assaulted by Correctional Officers while he was incarcerated. His Complaint further alleges that the Defendants deprived him of certain rights under the United States Constitution.

EXCEPTIONAL CIRCUMSTANCES DO NOT EXIST IN THE PRESENT CASE
TO WARRANT THE APPOINTMENT OF COUNSEL

The United States Supreme Court has never held that an indigent party has a constitutional right to counsel in any civil case. Baxter v. Palmigiano, 425 U.S. 308, 96 S. Ct. 1551, (1976); Wolff v. McDonnell, 418 U.S. 539, 94 S. Ct. 2963, (1974). **The district court's**

¹ Counsel is informed and believes that Defendants Smith, Sims and Craig have not been served at the present time.

power to appoint counsel in § 1983 actions is discretionary, and the district court abuses its discretion only when the indigent plaintiff presents exceptional circumstances. Cook v. Bounds, 518 F.2d 779 (1975). The existence of exceptional circumstances depends on the complexity of the case, and the ability of the prisoner to present it. Id.

Here, a review of the record indicates that this case is not complex and that Inmate Crawford is able to adequately present his case *pro se*, as demonstrated by his ability to serve discovery and file Motions and Pleadings with the Court, including the present Motion. His pleadings, while unnecessarily lengthy, clearly presented the factual and legal background of his suit. The Defendants are further informed and believe that the Plaintiff is not suffering from any mental or medical ailment that would prevent him from adequately representing himself in the present case. The Plaintiff's case will not be prejudiced in any way by the Court denying the Plaintiff assistance of counsel. In addition, his claims against these Defendants are neither extraordinary nor legally complicated.

As the Plaintiff has failed to demonstrate extraordinary circumstances and has shown an ability to navigate the court system with various pleadings and motions, his Motion for Appointment of Counsel must be denied.

Respectfully submitted this 23rd day of June, 2015.

RICHARDSON, PLOWDEN & ROBINSON, P.A.

s/ Drew Hamilton Butler

Drew Hamilton Butler, Esquire (Federal ID 8083)

Caleb M. Riser, Esquire (Federal ID 10666)

40 Calhoun Street, Suite 220

Charleston, South Carolina 29401

(843) 805-6550

Attorneys for Defendants Hunt and Bittinger

CERTIFICATE OF SERVICE

I, Drew H. Butler, the undersigned employee of Richardson Plowden & Robinson, P.A., attorneys for Defendants., do hereby certify that I have served **Defendants' Memorandum in Opposition to Plaintiff's Motion for Appointment of Counsel**, in the above-referenced captioned case, by causing a copy of the same to be personally deposited in a United States Postal Service mail box, postage prepaid, with the return address clearly visible, addressed to the attorneys of records as indicated below on June 23, 2015.

Antonio Crawford (SCDC 326526)
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, SC 29067

s/ Drew Hamilton Butler
Drew Hamilton Butler